

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
WESTERN DIVISION**

UNITED STATES of AMERICA,)	
)	
Plaintiff,)	1:08-CV-00333-JTC
)	
v.)	
)	UNITED STATES’S MOTION AND
ROBERT P. CORP,)	NOTICE OF MOTION FOR SUMMARY
)	JUDGMENT
Defendant.)	
_____)	

MOTION AND NOTICE OF MOTION FOR SUMMARY JUDGMENT

Please take notice that, pursuant to Fed. R. Civ. P. 56(a), the United States hereby moves the Hon. John T. Curtin of the United States District Court for the Western District of New York for entry of an Order of Summary Judgment in this matter. The basis for this motion is that there is no genuine issue of material fact. The United States seeks damages and penalties in the amount of \$2,068,198.14 on Counts I and II (False Claims Act) of its Complaint. In the alternative, the United States seeks a judgment in the amount of \$95,921.58 on Count IV (Unjust Enrichment). This motion shall be made upon this Notice of Motion, the United States’s Memorandum of Points and Authorities, the United States’s L.R. 56.1(a) Statement of Facts, and the Affidavits and Exhibits filed herewith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on August 31, 2009, a copy of the foregoing UNITED STATES'S MOTION AND NOTICE OF MOTION FOR SUMMARY JUDGMENT was served via ECF service upon the following individual:

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